


INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT	STATUS: Pending	POLICY NUMBER: Air 033 NPD	
AGENCY NONRULE POLICY DOCUMENT	AUTHORIZED: Thomas W. Easterly		
	SUPERSEDES: NEW	ISSUING OFFICE(S): Office of Air Quality Permits Branch	
	ORIGINALLY EFFECTIVE:	RENEWED/REVISED:	

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1.0 PURPOSE

This policy provides for the consistent use of notices of deficiency and for placing air permit applications on hold.

2.0 SCOPE

This policy applies to all air permit applications.

3.0 SUMMARY

This policy establishes the procedure for issuing a notice of deficiency, for denying an air permit application when an applicant makes no response, refuses to make a response or makes incomplete responses, and for responding to applicant requests to place air permit applications on hold.

4.0 DEFINITIONS

- 4.1 "Air permit application" – an application for an air pollution control permit.
- 4.2 "Applicant" – the air pollution source that has filed an air permit application.
- 4.3 "Calendar days" – all days, including weekends and holidays.
- 4.4 "Data" – the information that should be contained in an air permit application.
- 4.5 "Deny" – the act of refusing to grant or issue a request or application.
- 4.6 "Incomplete response" – an applicant's reply to a notice of deficiency that does not contain the requested information.

- 4.7 "Notice of deficiency" – a written statement, either electronic or in hard copy, listing information required to continue processing an air permit application.
- 4.8 "On hold" – the status of an air permit application when, at the request of the applicant, it is not being processed.
- 4.9 "Permit writer" – the person in the Permits Branch who reviews the air permit application and writes the air pollution control permit.
- 4.10 "Permits Branch" – a branch of the Office of Air Quality that reviews and makes decisions regarding air permit applications.
- 4.11 "Reminder" – a written statement, either electronic or in hard copy, giving a second notice regarding information required to continue processing an air permit application.
- 4.12 "Response" – an applicant's reply to a notice of deficiency.
- 4.13 "Section Chief" – the front line manager who functions as the supervisor for a permit writer.

5.0 ROLES

5.1 The permit writer shall:

- A. Determine whether the air permit application contains the data necessary to proceed and, if it does not, contact the applicant notifying them that a notice of deficiency will be sent, then send it to the applicant.
- B. Send a reminder regarding the notice of deficiency to the applicant after 14 calendar days have elapsed.
- C. For permit applications processed under 326 Indiana Administrative Code 2-7 and 2-8, if the applicant makes no response after 30 calendar days or refuses to make a response, deny the air permit application.
- D. For permit applications processed under 326 Indiana Administrative Code 2-7 and 2-8, if the applicant makes an incomplete response, send a reply to the applicant noting the missing information and giving the applicant an additional 30 calendar days to complete the response. If the applicant does not submit the missing information within that time, deny the air permit application.
- E. For permits processed under rules other than 326 Indiana Administrative Code 2-7 and 2-8, if the applicant does not send a response after 60 calendar days, deny the air permit application.
- F. For permit applications processed under rules other than 326 Indiana Administrative Code 2-7 and 2-8, if the applicant makes an incomplete response, send a reply to the applicant noting the missing information and giving the applicant an additional 30 calendar days to complete the response. If the applicant does not submit the missing information within that time, deny the air permit application.
- G. If an applicant requests that an air permit application be put on hold, discuss the request with the section chief.

5.2 The section chief shall:

- A. Discuss with the permit writer a request to put an air permit application on hold and decide whether the application should be placed on hold.
- B. Not put an air permit application on hold for more than 30 calendar days and not put an air permit application on hold more than once.

6.0 POLICY

6.1 The permit writer shall send a notice of deficiency to the applicant when an air permit application does not contain sufficient data.

6.2 The permit writer shall send a reminder to the applicant after 14 calendar days have elapsed.

6.3 For air permit applications processed under 326 Indiana Administrative Code 2-7 and 2-8, if the applicant does not send a response after 30 calendar days or refuses to make a response, the permit writer shall deny the air permit application.

6.4 For permit applications processed under 326 Indiana Administrative Code 2-7 and 2-8, if the applicant makes an incomplete response, the permit writer will send a reply to the applicant noting the missing information and giving the applicant an additional 30 calendar days to complete the response. If the applicant does not submit the missing information within that time, the application will be denied.

6.5 For air permit applications processed under rules other than 326 Indiana Administrative Code 2-7 and 2-8, if the applicant does not send a response after 60 calendar days or refuses to make a response, the permit writer shall deny the air permit application.

6.6 For permit applications processed under rules other than 326 Indiana Administrative Code 2-7 and 2-8, if the applicant makes an incomplete response, the permit writer will send a reply to the applicant noting the missing information and giving the applicant an additional 30 calendar days to complete the response. If the applicant does not submit the missing information within that time, the application will be denied.

6.7 The permit writer and the section chief shall discuss any request by an applicant to put an air permit application on hold.

6.8 The section chief shall decide whether an air permit application will be put on hold on a case by case basis.

6.9 Air permit applications will not be put on hold more than once and will not be put on hold for more than 30 days.

REFERENCES

7.1 Indiana Code 13-14-1-11.5 Duties of department: policy statements

7.2 Indiana Code 13-15-4-9 Denial of applications

7.3 326 Indiana Administrative Code (IAC) 2-1.1-8(j) Time periods for determination on permit applications: Denial of incomplete application

7.4 326 IAC 2-5.1-3 Construction Permit: Incomplete Application

7.5 326 IAC 2-5.5-3(d) Registration: Incomplete Application

7.6 326 IAC 2-6.1-4 Minor Source Operating Permit: Incomplete Application

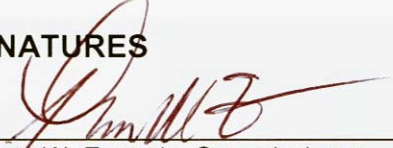
7.7 326 IAC 2-7-4(a)(2)(D) Incomplete Application

7.8 326 IAC 2-8-3(g) Incomplete Application

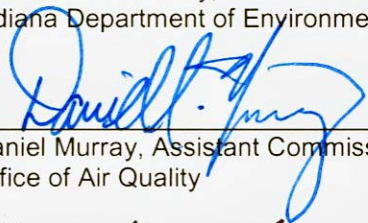
7.9 Agency Policy A-054-OEA-07-P-RO Nonrule Policy Document Development and Approval

7.0

SIGNATURES


Thomas W. Easterly, Commissioner,
Indiana Department of Environmental Management

2/7/2008
Date

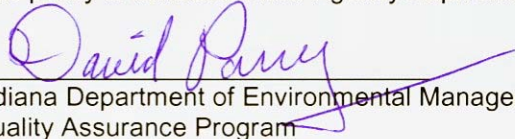

Daniel Murray, Assistant Commissioner,
Office of Air Quality

2/7/08
Date


Robert Keene, Assistant Commissioner,
Office of Legal Counsel

2-5-08
Date

This policy is consistent with Agency requirements.


Indiana Department of Environmental Management
Quality Assurance Program
Planning and Assessment

2-12-08
Date